

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

Tr.P(Crl.).No. 42 of 2007()

CC.760/2006 of C.J.M., ALAPPUZHA

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PETITIONER: COMPLAINANT

K.RAMAKRISHNAN, AGED 36 YEARS,
S/O KRISHNAN POTTI, THEKKEMADEM,
KRINJILACODE, MUNDELA P.O.,
NEDUMANGAD, THIRUVANANTHAPURAM.

BY ADV. SRI.GEORGE MATHEW
SRI.A.V.TELLES

RESPONDENTS: COMPLAINANT & STATE

1. MANOJ THOMAS, AGED ABOUT 41 YEARS,
DILSHANOJ, T.C.IX/241, JAWHAR NAGAR,
KAWDIAR P.O., THIRUVANANTHAPURAM.
2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 12/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Tr.P(Crl).No.42 of 2007

Dated this the 12th day of June, 2007

ORDER

Petitioner is the complainant in a prosecution under Section 138 of the Negotiable Instruments Act. Both parties are residing at Trivandrum. The cheque is drawn on an account maintained by the accused at Nanthencode Branch of the Federal Bank, Trivandrum. The complaint under Section 138 of the N.I Act was filed before the Chief Judicial Magistrate, Alappuzha on the short and only ground that the notice of demand was issued through the counsel at Alappuzha. Cognizance has been taken. The accused has not entered appearance before the Chief Judicial Magistrate, Alappuzha, it is submitted. The learned counsel for the petitioner submits that in the light of the decision in **Ahammedkutty Haji v. State of Kerala** [2007(1) KLT 68], the court at Alappuzha does not have jurisdiction and the court at Trivandrum is the proper court where the dispute can be resolved. In these circumstances, it is prayed that there may be a direction for transfer of the case from the court of Chief Judicial Magistrate, Alappuzha to the court of the Judicial Magistrate of the First Class-II, Nedumangad. Notice has been served on the respondent. There is no appearance. I am satisfied, in the circumstances explained, that the respondent/complainant does also

have no objection to the prayer for transfer. I am satisfied that the transfer can be directed to the court of the Chief Judicial Magistrate, Trivandrum considering the address of the accused shown in the complaint.

2. This Transfer Petition is, in these circumstances, allowed. C.C.No.760 of 2006 pending before the Chief Judicial Magistrate, Alappuzha is transferred to the court of the Chief Judicial Magistrate, Trivandrum. The petitioner shall appear before that court on 25.06.2007 to continue the proceedings. Records shall be transmitted to that court by then by the Chief Judicial Magistrate, Alappuzha.

(R.BASANT, JUDGE)

rtr/-